

Message

From: Milton, Laura [Milton.Laura@epa.gov]
Sent: 11/24/2020 8:48:52 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]
Subject: RE: HRSSC Review/Comments Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

I think Larry needs to discuss with her. I think they will want two separate officials and, from what Jerome indicated, they will be the ones working with OPM to address concerns.

Laura Milton, PMO
Administrative Management Division
OECA/Office of Administration and Policy
US Environmental Protection Agency
Phone: 202-564-6017
Cell: 202-821-2541
milton.laura@epa.gov

From: Badalamente, Mark <Badalamente.Mark@epa.gov>
Sent: Tuesday, November 24, 2020 3:45 PM
To: Milton, Laura <Milton.Laura@epa.gov>
Subject: Re: HRSSC Review/Comments Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

So do we say it needs to be Susan and either Doug Benevento or the Administrator? Larry would need to get Susan to agree to that up front. Could Susan be both recommending and selecting?

*Mark Badalamente, SRO, SIO
Director, Office of Administration and Policy
Office of Enforcement and Compliance Assurance
202-329-0763*

On Nov 24, 2020, at 3:43 PM, Milton, Laura <Milton.Laura@epa.gov> wrote:

I did let him know that nobody here would be serving in those roles. He's stuck in the middle.

Laura Milton, PMO
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From: Badalamente, Mark <Badalamente.Mark@epa.gov>
Sent: Tuesday, November 24, 2020 3:40 PM
To: Milton, Laura <Milton.Laura@epa.gov>
Subject: Re: HRSSC Review/Comments Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

Have you told Jerome that no career managers are comfortable being the recommending/selecting official?

*Mark Badalamente, SRO, SIO
Director, Office of Administration and Policy
Office of Enforcement and Compliance Assurance
202-329-0763*

On Nov 24, 2020, at 3:06 PM, Milton, Laura <Milton.Laura@epa.gov> wrote:

Hi, it looks like Dave Zeckman is deferring to us in re the recruitment for this position and the recommending/selecting officials. Please let me know how you'd like to proceed. Maybe Susan could call him?

p.s. because Dave mentions it in his message below, Jerome explained to me earlier that the schedule A appointing authority for persons with a disability is intended for positions in which the employee will be converted to the competitive service. This is why they recommend using the schedule A appointment authority for an excepted attorney position since she's likely to remain on an excepted appointment.

Laura Milton, PMO
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From: Bonner, Jerome <Bonner.Jerome@epa.gov>

Sent: Tuesday, November 24, 2020 2:58 PM

To: Zeckman, David <zeckman.david@epa.gov>

Cc: Helm, Arron <Helm.Arron@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>

Subject: RE: HRSSC Review/Comments Proposed Appointment for Ex. 6 Personal Privacy (PP)

Hi David

Thanks for the quick response and I will stand by pending OECA's input.

Thanks
JB

Jerome W. Bonner
Environmental Protection Agency
Office of Administration and Resources Management - Cincinnati
Director, Human Resources
Cincinnati Human Resources Shared Service Center
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Mobile: 513.518.4849

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From: Zeckman, David <zeckman.david@epa.gov>

Sent: Tuesday, November 24, 2020 2:54 PM

To: Bonner, Jerome <Bonner.Jerome@epa.gov>

Cc: Helm, Arron <Helm.Arron@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>

Subject: RE: HRSSC Review/Comments Proposed Appointment for Ex. 6 Personal Privacy (PP)

Jerome,

Thank you for all of hard work on this and the recommendations on the best way to move forward. My comments to your points are:

- Open and Fair Competition: I agree that we want to submit the best package to OPM with the highest probability for success, and that we should post the position. I would recommend that we post for the shortest allowable time, as we want to allow sufficient time for OPM's review and approval. However, since this step will require additional work, I would like the OECA team to opine on this point.
- Use of Schedule A Authority: I agree with Laura's comment below, that we utilize the Schedule A authority for persons with a disability
- Selecting Official: I will leave this up to OECA, I believe they identified two supervisors in an earlier email
- Position Description: I agree with you the PD should be in the correct format, and it's my understanding from conversations with OECA that they plan to backfill the position with the PD as it is currently written. If this is the case, I hope this will save us some time and not require additional steps, such as, classification.

I appreciate everyone's hard work on this and I hope you all have a safe and relaxing Thanksgiving.

Thanks again,

Dave Zeckman

From: Bonner, Jerome <Bonner.Jerome@epa.gov>
Sent: Tuesday, November 24, 2020 1:12 PM
To: Zeckman, David <zeckman.david@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>
Subject: RE: HRSSC Review/Comments Proposed Appointment for Ex. 6 Personal Privacy (PP)

Hello David

Please see OECA's response below related to the vacancy announcement and identifying the recommending and selecting officials. Are you providing the name and contact information for the recommending and selecting official? Please note that OECA has no plan to post a vacancy or recruitment notice. As articulated below in prior communications OPM is expecting the agency to demonstrate open and fair competition.

Please advise.

Thanks
JB

Jerome W. Bonner
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From: Milton, Laura <Milton.Laura@epa.gov>
Sent: Tuesday, November 24, 2020 12:54 PM
To: Bonner, Jerome <Bonner.Jerome@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: RE: HRSSC Review/Comments Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

Hi Jerome, in response to the below, OECA had no plans to post a vacancy nor do we know who the appropriate recommending and selecting officials for this appointment should be. We will begin to work on an updated Position Description for a GS-15 staff attorney in this organization. Please work with David Zeckman regarding the Agency's submission to OPM.

Laura Milton, PMO
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OECA/Office of Administration and Policy
US Environmental Protection Agency
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milton.laura@epa.gov

From: Bonner, Jerome <Bonner.Jerome@epa.gov>
Sent: Monday, November 23, 2020 2:35 PM
To: Milton, Laura <Milton.Laura@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: HRSSC Review/Comments Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

Good Morning Laura

Thank you for the quick responses to the questions.

Open and Fair Competition: As you may be aware, open and fair competition is a decisive factor OPM considers when processing a request to convert a political appointee to an excepted or competitive service position. This factor of open and fair competition is even more critical when the request involves a current political appointee. Please see attached response from OPM where they articulated an expectation of

some type of notification that illustrates the agency is trying to fill the position. This request does not meet that expectation. Evidence of the agency's efforts to fill the position is notably absent and I am concerned, the absence of such evidence will result in an unfavorable determination from OPM. **I recommend posting some type of recruitment/notice to illustrate open/fair competition.** This approach would require additional work and will delay submitting the request, but it **will enhance your chances** of receiving a favorable determination. Absence proof of open/fair competition, I strongly believe this request will not be viewed favorably.

Use of Schedule A Authority: I am not following the logic of using Schedule A, 5 CFR 213.3102 (u) appointing authority. A key component to this Schedule A appointing authority is the ability to convert the appointee noncompetitively into the competitive service. The proposed position is an Attorney position and there is no opportunity to convert the appointee noncompetitively or competitively into the competitive service because as you are aware attorney positions are in the excepted service (5 CFR 213.3102 (d)). While I do not service all the attorney's in the agency, I am not aware of any attorneys in EPA appointed under Schedule A 213.3102 (u) authority. If we are to proceed, **I recommend using the appointing authority for attorneys.**

Selecting Official: Please identify who are the recommending and selecting officials for this proposed appointment. For this request, OPM wants to know who in EPA is recommending the appointment and who in EPA is the selecting official for this appointment. You did provide the 1st and 2nd level supervisors, but are you also asserting these same individuals are the recommending/selecting officials? **If so, current records do not illustrate** Ex. 5 Personal Privacy (PP) **occupies a supervisory or managerial position.**

Relationship Statement: Please provide a statement disclosing any personal or professional relationship between the requesting agency's recommending and selecting officials (or anyone in the reporting chain) and the proposed selectee. This required statement is related to identifying the recommending/selecting officials. **Email statement disclosing the relationship or asserting no personal or professional relationship exist is sufficient.**

When did the position become vacant? Please clarify your response, "Concurrent with appointment" The response, unless I have misinterpreted, appears to indicate the proposed position for which OECA is seeking to covert a political appointee to an excepted service position is not currently vacant. Your narrative below indicates

will be reassigned to the Supervisory Attorney position. **The emphasis here is “will be” which suggests the proposed position to which OECA is seeking to convert the political appointee is not vacant.**

Position Description: (Improper Format) 00072358 GS-0905-15

Attorney Advisor: The position description is in the wrong format. As you are aware, non-supervisory attorney positions are classified using a narrative format and not the traditional Factor Evaluation System. The attached position description is crafted in the wrong format. I do not recommend sending this position description to OPM. As you are aware, OECA has delegated position classification authority for their respective attorney positions. **I recommend that OECA develop and submit a properly classified position description for inclusion in the request package.**

In summary, the request and supporting documentation is problematic on multiple fronts. The request to appoint a current political appointee to an excepted service position using Schedule A 213.3102 (u) authority without any evidence to support fair and open competition and the proposed position is not currently vacant and misclassified is going to solicit inquiries about potential targeting. While I do not suggest targeting is the intent—perception matters. Since 2010, OPM has taken a more conservative approach to its review/approval process. This request as constructed is not likely to produce a favorable determination. Ultimately, OHR will determine if the agency will send the package to OPM.

Please let me know how you would like to proceed.

Thanks
JB

Jerome W. Bonner
Environmental Protection Agency
Office of Administration and Resources Management - Cincinnati
Director, Human Resources
Cincinnati Human Resources Shared Service Center
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From: Milton, Laura <Milton.Laura@epa.gov>

Sent: Friday, November 20, 2020 2:11 PM

To: Bonner, Jerome <Bonner.Jerome@epa.gov>

Cc: Zeckman, David <zeckman.david@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>;

Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: RE: Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

Hi Jerome, we are proposing to assign [Ex. 6 Personal Privacy (PP)] position in the Office of Compliance, National Enforcement Training Institute. [Ex. 6 Personal Privacy (PP)]

Ex. 6 Personal Privacy (PP)

Attached is an organizational chart and below are answers to the questions posed. This is an attorney position and we are proposing to fill it using Schedule A hiring authority for persons with a disability so it is non-competitive in nature on both counts. I was not sure how to respond re the Recommending and Selecting Officials. [Ex. 6 Personal Privacy (PP)]

Ex. 6 Personal Privacy (PP)

Please let me know if you need any additional information.

Laura Milton, PMO
Administrative Management Division
OECA/Office of Administration and Policy
US Environmental Protection Agency
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milton.laura@epa.gov

From: Bonner, Jerome <Bonner.Jerome@epa.gov>
Sent: Wednesday, November 18, 2020 3:13 PM
To: Milton, Laura <Milton.Laura@epa.gov>
Cc: Zeckman, David <zeckman.david@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Young, Debbie <young.debbie@epa.gov>; Scola, Jennifer <Scola.Jennifer@epa.gov>
Subject: Proposed Appointment for [Ex. 6 Personal Privacy (PP)]

Hi Laura,

I am working the proposed appointment and require information from OECA in order to prepare a complete package for submission to OHR and subsequently OPM for final decision. The subject appointment would result in a Political Appointee being appointed to an Excepted Service, GS-0905-15 position in OECA. Per documentation received today, the proposed position is Supervisory Attorney Advisor, OECA, National Enforcement Training Institute.

I would appreciate if OECA could provide the following information:

- Organizational Chart for proposed position OECA
Attached; this position serves as a senior attorney in the National Enforcement Training Institute
- The Organizational Structure reflects the following positions:
OECA: Please confirm this is accurate
 - Supervisory Attorney Advisor – GS-0905-15
 - (vacant) Attorney Advisor – GS-0905-15
 - Program Analyst – GS-0343-13
 - Program Analyst – GS-0343-9/13
- GS-0905-15 Attorney Advisor
 - Who currently occupies this position; either detail or temporarily promotion? OECA
This is a senior staff position, previously occupied by Robin Robinson
 - When did the position become vacant? OECA
Concurrent with appointment
- A statement disclosing any personal or professional relationship between the requesting agency's recommending and selecting officials (or anyone in the reporting chain) and the proposed selectee. OECA N/A
- Evidence of fair and open competition (a recruiting notice, if one was used) OECA N/A
 - Description of recruiting sources and advertising methods
OECA N/A
 - Qualification standard used OHR/HRSSC
 - Copy of agency policy for accepting excepted service applications OHR/HRSSC
 - Applications from all who applied and information showing how each met or failed to meet established qualifications OECA N/A
 - Information showing how veterans' preference was considered OECA N/A

- The referral list(s) issued to the selecting official and the completed referral list documenting the tentative selection
OECA N/A
- The names of rating/ranking panel members (if applicable) and their titles, telephone numbers, email addresses, and types of appointment (e.g., career SES, Schedule C, or Presidential Appointee). OECA N/A
- The names of the recommending and selecting officials, title, telephone number, email address, and type of appointment (e.g., career SES, Schedule C, or Presidential Appointee). OECA Schedule A appointment.
- Documentation on the interview process, including interview questions and notes, the names of interviewers/panel members (contact information, type of appointment), and candidates interviewed. OECA N/A

Please call me if you have any questions or would like to discuss requirements.

Thanks

JB

Jerome W. Bonner

Environmental Protection Agency

Office of Administration and Resources Management - Cincinnati

Director, Human Resources

Cincinnati Human Resources Shared Service Center

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Mobile: 513.518.4849

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From: Carr, Dorothy <Carr.Dorothy@epa.gov>
Sent: Wednesday, November 18, 2020 11:33 AM
To: Bonner, Jerome <Bonner.Jerome@epa.gov>
Cc: Zeckman, David <zeckman.david@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Atkinson, Ryan <Atkinson.Ryan@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>
Subject: Schedule A appointment for [Ex. 6 Personal Privacy (PP)]

Good morning Jerome,

Attached is the Pre-Appointment Checklist as specified in the CHCOC guidance at <https://www.chcoc.gov/content/appointments-and-awards-during-2020-presidential-election-period> . We have completed the fields on the Checklist related to [Ex. 6 Personal Privacy (PP)] current political appointment and have attached information relevant to this appointment in response to bullets 1 through 3 on page 2 of the Checklist. Please let us know if you need assistance from RTP as you assemble the items for which you're responsible. We assume that you will be reaching out to OHR for the Agency HR Director letter referenced at the top of the Checklist.

Take care,
Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-4356 (office)
(252) 301-4784 (cell)

<image001.jpg>

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From: Caro, Vique <Caro.Vique@epa.gov>
Sent: Wednesday, November 18, 2020 8:15 AM
To: Zeckman, David <zeckman.david@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>; Atkinson, Ryan <Atkinson.Ryan@epa.gov>
Subject: RE: Schedule A

I have let the Cincinnati SSC know that this is coming and will be standing by to help.

Vique Caro
Office Director
Office of Administration and Resources Management Cincinnati
US Environmental Protection Agency
Main Office: 513-569-7910
Desk Phone: 513-569-7912
Cell: 513-607-3534
email: caro.vique@epa.gov

From: Zeckman, David <zeckman.david@epa.gov>
Sent: Tuesday, November 17, 2020 3:19 PM
To: Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>;
Smith, Kathryn <Smith.Kathryn@epa.gov>; Atkinson, Ryan <Atkinson.Ryan@epa.gov>
Subject: RE: Schedule A

Thank you

From: Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Sent: Tuesday, November 17, 2020 3:08 PM
To: Zeckman, David <zeckman.david@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>;
Smith, Kathryn <Smith.Kathryn@epa.gov>; Atkinson, Ryan <Atkinson.Ryan@epa.gov>
Subject: RE: Schedule A

Hello,

I am cc'ing Kathryn and Dorothy. They can provide any needed information on the Schedule C appointment for the package. The package itself would come out of Cincy as the hiring office so we are happy to support in any way needed.

Thank you,

Jeremy A. Taylor
Director, Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-0537

<image001.jpg>

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From: Zeckman, David <zeckman.david@epa.gov>
Sent: Tuesday, November 17, 2020 2:59 PM
To: Caro, Vique <Caro.Vique@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>
Cc: Helm, Arron <Helm.Arron@epa.gov>
Subject: Schedule A

Good afternoon,

We have been working with OECA to transfer Ex. 6 Personal Privacy (PP) OCIR to a position in OECA's Office of Compliance, National Enforcement Training Institute, see attached PD. This transfer will require OPM review and approval. Ex. 6 Personal Privacy (PP) will be transferring to Schedule A, see attached letters for documentation. I previously reached out to Arron to

understand the requirements for the package which must go up to OPM for review, see attached message. I'd like to start compiling the documents for our submission, which as I understand it, will be a coordinated effort between Executive resources, the Cincy SSC, and OECA. Let me know if there is anything else I can do to help, or if you'd like to schedule some time to chat about this, I'll be happy to setup a meeting.

Thanks,

David Zeckman
Deputy Assistant Administrator
Office of Mission Support
Environmental Protection Agency
(202) 564-7623